

COUNTY OF SAN DIEGO
STATEMENT OF PROCEEDINGS
REGULAR MEETING OF BOARD OF SUPERVISORS
TUESDAY MAY 2, 2000

MORNING SESSION – Meeting was called to order at 9:05 a.m.

Present: Supervisors Dianne Jacob, Chairwoman; Ron Roberts, Vice Chairman; Greg Cox; Pam Slater; and Bill Horn; also Thomas J. Pastuszka, Clerk.

Invocation by Pastor Robert Clement from Hope Vineyard Church in Ramona.

Pledge of Allegiance to the Flag led by Joseph Gardella and Chester Owen III, students from Murray Manor School in La Mesa.

Approval of Statement of Proceedings/Minutes for meetings of April 4, 2000, and April 11, 2000.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox, the Board of Supervisors approved the Statement of Proceedings/Minutes for the meetings of April 4, 2000, and April 11, 2000.

AYES: Cox, Jacob, Slater, Roberts, Horn

AFTERNOON SESSION – Reconvened at 2:10 p.m. Supervisors Dianne Jacob, Chairwoman; Ron Roberts, Vice Chairman; Greg Cox; Pam Slater; and Bill Horn being present.

Board of Supervisors' Agenda Items

Category	Agenda No.	Subject
Community Services	1.	Noticed Public Hearing: Intention to Enter Into an Option to Purchase and Sale of Surplus Real Property – Melru Lane, Deer Park, North of Escondido - County Parcel No. 99-0218-A (Carryover Item From 3/14/00, Agenda No. 6)
	2.	Memorandum of Agreement for a New Spring Valley Branch Library, Community Teen Center and Joint-Use Gymnasium At La Presa Middle School In Spring Valley (4 VOTES)

Category	Agenda No.	Subject
	3.	Continued Noticed Public Hearing: Pet Crisis Project: Revised Five-Year Plan of Action to Cease the Euthanasia of Adoptable and Treatable Animals (Carryover Item From 4/11/00, Agenda No. 21) [Funding Source(s): FY 99-00 and FY 00-01 is Community Services Group Management Reserves] (4 VOTES) This item has been set for a 10:00 a.m. Time Certain
	4.	Third Amendment to Lease Agreement With City of San Diego for Central Animal Shelter 5480 Gaines Street, San Diego
	5.	Final Proposed 2000-2001 Annual Funding Plan and 2000-2005 Consolidated Plan for Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons With Aids Programs [Funding Source(s): Community Development Block Grant, Community Development Block Grant Revenues, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS programs]
	6.	Agreement Imposing Very Low-Income Restrictions On Board Policy I-79 Density Bonus Development for Elderly Households [Funding Source(s): Project Developer]
	7.	Presentation of Countywide Credit Needs Assessment By City-County Reinvestment Task Force
	8.	Adult Literacy Services Alliance With READ/San Diego

Category	Agenda No.	Subject
Financial/General Government	9.	Homeless Programs: Coordinated Response to the U.S Department of Housing and Urban Development (HUD) Notice of Funding Availability [Funding Source(s): U.S. Department of Housing and Urban Development (HUD)]
	10.	Declaration of Election Results – March 7, 2000 Election
	11.	Commemorating the 49th Annual National Day of Prayer, May 4, 2000
	12.	Resolution Requesting the State Board of Equalization to Permit the San Diego County Assessor to Examine State Board of Equalization Records
Health and Human Services Agency	13.	Additional Child Care Funding for Fiscal Year 1999-2000 [Funding Source(s): State CalWORKs single allocation, the California Department of Education and County General Funds] (4 VOTES)
	14.	Implementation of Early and Periodic Screening, Diagnosis and Treatment Services At the A. B. and Jessie Polinsky Children's Center [Funding Source(s): State and federal Medi-Cal Early and Periodic Screening, Diagnosis and Treatment funds] (4 VOTES)
	15.	Children and Families Commission Staffing and Budget Adjustments (4 VOTES)
	16.	Out-of-Country Business: Tuberculosis Control [Funding Source(s): Subvention funds from the Centers for Disease Control]

Category	Agenda No.	Subject
Public Safety	17.	Restricting Possession of Clonazepam In San Diego County
	18.	Sheriff's Department Acceptance of "Every 15 Minutes" Grant from State Department of Alcoholic Beverage Control [Funding Source(s): State Dept. of Alcoholic Beverage Control] (4 VOTES)
	19.	Sheriff's Department Sole Source Procurement of Replacement Helicopter and Related Equipment and Auction of Aircraft By Aviation Auctioneer [Funding Source(s): Auction proceeds from the sale of old aircraft and overrealized Proposition 172 revenue] (4 VOTES)
	20.	Sheriff's Department Procurement of Forward Looking Infrared (FLIR) Unit
	21.	Sheriff's Procurement of Crime Laboratory Equipment [Funding Source(s): Crime Lab existing appropriations and State Aid Public Safety Proposition 172 overrealized revenue] (4 VOTES)
	22.	Sheriff's Department Contract Extension of Management Consulting and Training Services [Funding Source(s): Budgeted funds]
	23.	Sheriff's Department Designation Account Creation (4 VOTES)
	24.	Sheriff's Department Request for Approval of Out of Country Travel [Funding Source(s): Sheriff's FY 1999/2000 budget]

Category	Agenda No.	Subject
	25.	Sheriff Department's Request for Proposal for Ambulance Services for Otay Mesa Detention Facilities [Funding Source(s): Sheriff's Department budget]
	26.	Probation Department's Program Outcome and Evaluation Reports
Communications Received	27.	Communications Received
Land Use and Environment	28.	Administrative Item: Ratify Proclamation of Local Emergency for Damaging Conditions Caused by the Mexican Fruit Fly Infestation of October 1999
Appointments	29.	Administrative Item: Appointments
Closed Session	30.	Closed Session
Financial/General Government	31.	Support for SB 1617 (Leslie)
	32.	Support for AB 2188 (Baldwin), AB 1784 (Lempert) and AJR 41 (Pacheco)
Presentations/Proclamations	33.	Presentations/Proclamations
Public Communications	34.	Public Communications

1. **SUBJECT: Noticed Public Hearing:**
Intention to Enter Into an Option to Purchase and Sale of Surplus Real Property – Melru Lane, Deer Park, North of Escondido - County Parcel No. 99-0218-A
(Carryover Item From 3/14/00, Agenda No. 6)
(Supv. Dist: 5)

OVERVIEW:

The County of San Diego owns an approximately 434-acre property east of Melru Lane north of the City of Escondido, commonly referred to as “Deer Park”. The County acquired this property in 1972 for use as a drug rehabilitation facility. There are approximately 35 old motel units, 2 utility buildings, a maintenance building, and 3 single-family residences on the subject property. On February 6, 1997, pursuant to Section 54222 of the California Government Code and Board Policy F-51, the Department of General Services offered this property to required State agencies and County departments. This property is now considered to be excess to County needs. The Department of General Services is requesting that this property be declared surplus and that an Option to Purchase be offered to the highest bidder. The County currently has written offers and deposits from two groups to enter into an Option to Purchase for this property.

FISCAL IMPACT:

Option to Purchase: If an Option to Purchase is approved for the Deer Park property a minimum of \$50,000 will be received in Fiscal Year 1999/2000. The one-year Option to Purchase may be extended for two one-year periods, if necessary, to allow the Optionee up to three years to process all necessary governmental approvals and complete the sales transaction. If the Option to Purchase is extended one year, an additional option fee of \$100,000 will be received in Fiscal Year 2000/2001, and if the Option to Purchase is extended a second year, and additional option fee of \$150,000 would be received in Fiscal Year 2001/2002.

Sale: If the option is exercised, the county will receive \$2,500,000 (the minimum sales price based on staff appraisal), or more, depending upon the final bid. If the Option to Purchase is exercised and an all-cash sale is consummated in the first year of the option period, a minimum of \$2,500,000 (\$50,000 + \$2,450,000) will be received. If a terms sale is consummated during the first year of the option period, a minimum of \$500,000 (\$50,000 + \$450,000) in cash and annual interest revenue in the minimum amount of \$180,000 will be received. The trust deed balance of at least \$2,000,000 will be all due and payable in five years or less. The sales proceeds could be received this fiscal year, or as late as eight years from now, if the one-year option is extended two additional years and the buyer elects a terms sale.

The proposed transaction will result in no additional staff years and there is no cost to the County. Facilities Management ISF sale and administrative expenses will be covered by a five percent (5%) fee, not to exceed \$125,000 is to be credited to the ISF from option payments and sale proceeds. The \$50,000 option payment shall be transferred to the Facilities Management ISF upon the expiration of the 90-day Option Refund period.

BUSINESS IMPACT STATEMENT:

The existing zoning and General Plan of the County of San Diego would allow the development of this property for residential estate-type homes. Such development would result in new construction activity. Other uses would be allowable with a major use permit or rezoning. Two religious groups have submitted purchase offers and would most likely use the property for retreat and meeting purposes under a conditional or major use permit or specific plan amendment. This use should also result in some new construction activity.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Conduct the bid opening and approve the granting of an Option to Purchase of County Parcel No. 99-0218-A to the highest bidder.
2. Authorize the Director, Department of General Services, to perform all necessary actions to complete the sale of this property, including the execution of the Option to Purchase Agreement, escrow instructions and Grant Deed, and to deposit five percent (5%) of the purchase price, in an amount not to exceed \$125,000, into the Facilities Management ISF for reimbursement of sale costs and administrative expenses.
3. Authorize the Chief Financial Officer, Auditor and Controller, to designate all net proceeds of this Option to Purchase and Sale to Capital Project KK0789 San Pasqual Facility Renovation.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Cox the Board of Supervisors conducted the bid opening, closed the Hearing and took action as recommended, accepting the bid from Arthur J. Devine in the amount of \$4,000,000.

AYES: Cox, Jacob, Slater, Roberts, Horn

2. **SUBJECT: Memorandum of Agreement for a New Spring Valley Branch Library, Community Teen Center and Joint-Use Gymnasium At La Presa Middle School In Spring Valley**
(Supv. Dist: 4)

OVERVIEW:

On April 15, 1997 (34), the Board established Capital Project KK7020 and appropriated \$89,000 in Community Development Block Grant funds for site selection, acquisition, planning and design of a new Spring Valley Branch Library. A new branch library is needed to replace the current inadequate leased facility, which the library has occupied since 1972, and meet the needs of the growing Spring Valley community.

A new teen center and gymnasium for Spring Valley were included in the Department of Parks and Recreation's Fiscal Year 1999/2000 Capital Improvement Plan. In a Fiscal Year 1998/1999 District IV Budget Change Letter, \$100,000 was provided to the Department of Parks and

Recreation to begin searching for a site that could accommodate a new library, teen center and gymnasium. Supervisor Roberts requested staff to identify potential sites, preferably near the County's Sweetwater Lane Park, which would accommodate the three new facilities. Despite an extensive site search and advertisement process, a suitable site for purchase could not be identified. The funding from District IV was re-budgeted for Fiscal Year 1999/2000.

Subsequently, La Mesa - Spring Valley School District expressed an interest in leasing an undeveloped portion of the La Presa Middle School grounds to the County. The 4.8 acre site is large enough to accommodate construction of all three facilities and is located within one block of Sweetwater Lane Park. The project would benefit La Presa Middle School by providing a gymnasium for the school's students to use during school hours.

Today the Board is requested to appropriate full funding for the new library and partial funding for a teen center and joint-use gymnasium. The Board is also requested to approve a Memorandum of Agreement with La Mesa - Spring Valley School District, which provides the framework for construction and operation of a new County branch library, teen center and joint-use gymnasium on a site to be leased from the District.

Today's request would also direct the Director, Department of General Services to negotiate a ground lease with the District and return to the Board at a later date for approval of the ground lease and an appropriate environmental finding for the project.

FISCAL IMPACT:

Library (KL7020) Community Development Block Grant Funds for this request are budgeted in the amount of \$75,247.15. Additional funds in the amount of \$2,909,970 from the County's Operating Contingency Reserve are required to fund this proposal. If approved, this request will result in a current year cost of \$2,985,217.15 which will fully fund the cost of design and construction of the proposed library.

Teen Center (KK0880) The estimated total cost for design and construction of the Teen Center is \$310,000. Funds for this request are partially budgeted in the amount of \$100,000. If approved, this request will result in a current year cost of \$100,000. On March 14, 2000 (2), the Board approved the recommended Fiscal Year 2000/2001 Annual Funding Plan for the Community Development Block Grant program which included \$30,000 for design of the teen center. The unfunded balance of \$180,000 will be sought from 27th Year Community Development Block Grant funds.

Gymnasium (KK0865) The estimated total cost for design and construction of the gymnasium is \$1,500,000. Funds for this request are partially budgeted in the amount of \$742,500. If approved, this request will result in a current year cost of \$742,500. The unfunded balance of \$757,500 will be sought from 2000/2001 CSA 128 funds in the amount of \$257,500, 2000/2001 State Park Bond Funding - Proposition 12 funds in the amount of \$400,000, and La Mesa - Spring Valley School District, which has agreed to commit \$100,000 to the gymnasium project.

Construction of the teen center and the gymnasium facilities will not commence until complete funding has been secured. Today's actions will require no additional staff years.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Adopt the Resolution of the San Diego County Board of Supervisors authorizing the Department of Parks and Recreation to apply for and accept Grant Funds in the amount of \$492,500 for the Park Land/Spring Valley Gymnasium project, and appointing the Director of the Department of Parks and Recreation as the agent of the County of San Diego to conduct all negotiations, and execute and submit all documents for the Grant which may be necessary for the completion of the aforementioned project.
2. Approve and authorize the establishment of appropriations in the amount of \$492,500 in the Capital Outlay Fund for Capital Project KK0865 - Spring Valley Gymnasium, contingent upon funding received from State Legislative Appropriations. (4 VOTES)
3. Approve and authorize the transfer of \$100,000 within the Department of Parks and Recreation Budget from Org. 5112, Acct. 3453, to the Capital Improvement Budget, Org. 5361, Acct. 6310, to provide funds for Capital Project KK0880 - Spring Valley Teen Center. The \$100,000 originated from a 1998/1999 District IV Budget Change Letter for the Spring Valley Teen Center project.
4. Approve and authorize the establishment of appropriations in the amount of \$100,000 in the Capital Outlay Fund for Capital Project KK0880 - Spring Valley Teen Center, based on an operating transfer from the General Fund. (4 VOTES)
5. Approve and authorize the transfer of appropriations in the amount of \$250,000 within the San Miguel Local Park District CSA 128 Budget, Org. 8603, from Acct. 3453 to Acct. 6310 to provide funds for the Spring Valley Gymnasium project.
6. Approve and authorize the establishment of appropriations in the amount of \$250,000 in Capital Project KK0865 - Spring Valley Gymnasium, based on an operating transfer from San Miguel Local Park District CSA 128. (4 VOTES)
7. Approve and authorize the cancellation of appropriations and related Community Development Block Grant funding in the amount of \$75,247.15 in the Capital Outlay Fund, Project KK7020 - Spring Valley Branch Library.
8. Approve and authorize the establishment of appropriations in the Library Capital Outlay Fund in the amount of \$75,247.15 for the Spring Valley Branch Library, KL7020, based on Community Development Block Grant funding. (4 VOTES)
9. Transfer appropriations of \$2,909,970 from the County's Operating Contingency Reserve to the Contributions to Capital Projects, Org. 5361, Acct. 6310 for the Spring Valley Branch Library KL7020. (4 VOTES)

10. Establish appropriations of \$2,909,970 in the Library Capital Fund, Org. 5497, Acct. 4882 for the Spring Valley Branch Library Project KL7020, based on an Operating Transfer from the General Fund. (4 VOTES)
11. Approve and authorize the Clerk of the Board of Supervisors to execute three copies of the Memorandum of Agreement with the La Mesa - Spring Valley School District.
12. Authorize the Director of the Department of General Services as the County officer responsible for administering the Memorandum of Agreement.
13. Direct the Director of the Department of General Services to negotiate a ground lease with the La Mesa - Spring Valley School District in accordance with the terms of the Memorandum of Agreement, and to return to the Board at a later date for approval of the ground lease and an appropriate environmental finding.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 00-134, entitled:
**RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS
AUTHORIZING THE DEPARTMENT OF PARKS AND RECREATION TO APPLY FOR
AND ACCEPT GRANT FUNDS FOR THE PARK LAND/SPRING VALLEY GYMNASIUM
AND TEEN CENTER DEVELOPMENT PROJECT.**

AYES: Cox, Jacob, Slater, Roberts, Horn

3. **SUBJECT: Continued Noticed Public Hearing:**
**Pet Crisis Project: Revised Five-Year Plan of Action to Cease the Euthanasia
of Adoptable and Treatable Animals**
(Carryover Item From 4/11/00, Agenda No. 21)
(Supv. Dist: All)

OVERVIEW:

On February 16, 1999 [7], in response to an initiative by Chairwoman Pam Slater, the Board of Supervisors directed the Department of Animal Control to: (1) investigate the implementation of a No-Kill Policy at all San Diego County Animal Shelters within a five year period modeling the San Francisco plan; and (2) report back with a Plan of Action for implementing a No-Kill Policy with recommendations for achieving a No-Kill Policy. ("No-Kill" in this context means to cease the euthanasia of adoptable and treatable animals.)

On April 27, 1999 [1], the Board heard a status report and directed the Chief Administrative Officer to: (1) host community-wide meetings with interested parties to develop community consensus on strategies to achieve a No-Kill County within five years; and (2) report back to the Board of Supervisors in nine months with a Plan of Action to become a No-Kill County within five years.

On December 14, 1999 [5], the Board heard a proposed Plan of Action and directed the Chief Administrative Officer to: (1) have further public meetings with the department and with other interested parties including breeders and dog groups to collect information on alternatives to reach the County's Plan of Action goals; and (2) return in 120 days with information regarding the number of licenses issued over the past five years and the amount of revenue over the past five years.

The goal of this Pet Crisis Project Revised Five-Year Plan of Action is to end the euthanasia of adoptable and treatable companion animals by creating a community of good citizens - people and pets. The revised Plan described in this report provides a framework to reach this goal and includes five Regional Strategies: (1) Educate and Inform; (2) Promote Spaying and Neutering; (3) Encourage Stable Homes; (4) Increase Adoptions; and (5) Provide Incentives and Enforcement. The strategies were developed by the Pet Crisis Advisory Committee, composed of representatives of humane sheltering agencies, animal advocacy groups, and animal care professional organizations in the County. All strategies are considered of equal importance, complementary, and will be emphasized throughout the five years of this Plan. The Regional Strategies represent many of the issues identified at the eight regional public meetings held between January 14 and March 4 with dog groups and breeders. In addition to the active participation and leadership of the Pet Crisis Advisory Committee and other interested parties in the community, agencies and groups have offered to participate in different aspects of the Regional Strategies depending upon their individual missions, resources, and expertise.

FISCAL IMPACT:

Funds for this request are not budgeted. The funding source for FY 99-00 and FY 00-01 is Community Services Group Management Reserves. Subsequent year on-going funding will be partially provided by City contract revenue and user fees. If approved, this request will result in \$16,929 current year costs, \$103,884 annual costs and will require the addition of 3.0 staff years. This proposal will result in no change in costs to the contract cities in FY 99-00 or FY 00-01. Subsequent years costs will be assumed by the contract cities and will be part of annual negotiations. Although the proposed changes will increase costs to the cities and to the County by approximately 1.2%, this increase is necessary to enable the County to implement the Pet Crisis Project and achieve a No-Kill County status within five years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Approve the five-year Plan of Action for the Pet Crisis Project.
2. Authorize the Chairwoman of the Board of Supervisors to transmit the five-year Plan of Action to all non-contract cities in the County for their review and approval.
3. Direct the Department of Human Resources to classify three Animal Care Attendant positions (3.0 SY) and amend the compensation ordinance by adding three regular positions to the Department of Animal Control.
4. Transfer appropriations of \$16,929 from the Community Services Group Management Reserves to the Department of Animal Control to fund first year costs of the Pet Crisis Project (4 VOTES).

5. Waive Board Policy B-29, Fees, Grants, Revenue Contracts - Department Responsibility for Cost Recovery, as it applies to the submitted Animal Control Service Fee Resolution.
6. Adopt the submitted Animal Control Service Fee Resolution.
7. Direct the Department of Animal Control to return to the Board of Supervisors in one year with a status report and evaluation of results.
8. Direct that funds collected from the Pet Overpopulation Impact Fee be deposited in the Spay Neuter Public Education trust fund.

ACTION:

ON MOTION of Supervisor Slater, seconded by Supervisor Roberts the Board of Supervisors closed the Hearing and took action as recommended, with additional direction to the Chief Administrative Officer to: 1) work with members of the community to come up with options of extending hours for adoptions and shelters and return to the Board in 90 days with recommendations; 2) change the project's title to read, "Pet Project 2000"; 3) change "Pet Overpopulation Impact Fee" to read, "Pet Impact Fee"; 4) provide annual an evaluation component with specific and well-defined goals; 5) refer letter submitted by Leslie Wilson (Board of Supervisors exhibit A) to the Chief Administrative Officer for consideration for inclusion in the Pet Project 2000; 6) develop a voucher program similar to the spay/neuter program for microchipping; 7) refer modification of the term "kennel" to Department of Planning and Land Use and community planning groups; 8) include representation from San Diego dog clubs and cat fanciers on the advisory committee; 9) directed County Counsel to review constitutionality of the limit law and refer to Community Planning Groups; 10) recommend the use of the AKC video program at shelters; 11) consider a one-year waiver of fees after proof of spay-neuter, and report back to Board at budget, if appropriate; and adopting Resolution No. 00-135, entitled: RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS ESTABLISHING FEES FOR ANIMAL CONTROL SERVICES.

AYES: Cox, Jacob, Slater, Roberts

NOES: Horn

4. **SUBJECT: Third Amendment to Lease Agreement With City of San Diego for Central Animal Shelter 5480 Gaines Street, San Diego**
(Supv. Dist: All)

OVERVIEW:

In November 1998, the City and County convened a Citizen's Panel to Build a New Animal Shelter, co-chaired by Council Member Valerie Stallings and Supervisor Pam Slater. The Central Animal Shelter, located at 5480 Gaines Street, has exceeded its capacity and the facility has physically deteriorated to the extent of needing to be completely replaced. Based on recommendations from the Citizen's Panel, the City and County have been working toward financing and building a new Central Animal Shelter and a new animal care facility to be operated by the Humane Society on adjacent sites.

On March 9, 1999 (1), at the request of Supervisor Slater, the Board directed the Chief Administrative Officer to negotiate and execute a new lease agreement with the City of San Diego and develop a financing package to replace the facility. On April 13, 1999 (25), the Board approved establishing an interest earning trust fund for donations to replace the Central Animal Shelter, and accepted two private donations. On June 15, 1999 (1), at the request of Supervisor Slater, the Board allocated \$1,775,000 for the construction and completion of a replacement for the Central Animal Shelter. The Board also directed the Director of General Services to execute a contract with the City of San Diego for a \$2,000,000 County contribution to the project.

Since 1971, the County has operated the Central Animal Shelter on land owned by the City of San Diego and has provided animal control services to the City. A ground lease and a service agreement cover the contractual obligations between the two agencies. Today, the Board is requested to approve a Third Amendment to Lease between the County and the City that will provide for the County's \$2,000,000 payment obligation to the City in exchange for a 25% ownership interest in the new replacement shelter. The agreement will also amend the size of the premises and obligate the County to continue to assume the City's maintenance obligations within the lease boundaries.

FISCAL IMPACT:

Funds for this project are budgeted. Appropriations of \$2,000,000 are in the Community Services Group (Org. 0611, Acct. 3453) for replacement of the Central Animal Shelter. No additional staff years will be required.

BUSINESS IMPACT STATEMENT:

The proposed action will have a positive effect on business because it will lead to new construction activity.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Concur with the City of San Diego's finding of Negative Declaration dated March 29, 2000 for this project.
2. Approve and authorize the Clerk of the Board of Supervisors to execute three copies of the Third Amendment to Lease Agreement, County Contract No. 5786-4300E/R, upon receipt and approval by County Counsel.
3. Authorize the Director, Department of General Services, to perform all necessary actions required by the City to complete the construction of the proposed new Central Animal Shelter.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

5. **SUBJECT: Final Proposed 2000-2001 Annual Funding Plan and 2000-2005 Consolidated Plan for Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons With Aids Programs**
(Supv. Dist: All)

OVERVIEW:

This Board letter includes staff responses to referrals by the Board of Supervisors during the scheduled March 14, 2000, public hearing on the County Consortium Proposed 2000-2001 Annual Funding Plan and 2000-2005 Consolidated Plan for the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs. These four federal programs will provide \$12,544,000 in FY 2000-2001 for the revitalization of lower income communities and development of affordable housing for low income residents and persons with special needs. The recommended actions will approve the Plans for submittal to the U.S. Department of Housing and Urban Development and reallocate previously approved funds.

FISCAL IMPACT:

Funds for this request will be included in the Proposed FY 2000-2001 County Budget. The funding sources are Community Development Block Grant (\$6,517,000), Community Development Block Grant Revenues (\$1,200,000), HOME Investment Partnerships (\$3,584,000), Emergency Shelter Grant (\$229,000), and Housing Opportunities for Persons with AIDS (\$2,214,000) programs. It will also result in the expenditure of \$116,000 in FY 1999-2000 Community Development Block Grant funds, and \$393,486 in FY 1998-1999 and FY 1999-2000 HOME Investment Partnerships funds. If approved, this request will result in \$189,839 in FY 1998-1999 costs, \$319,647 in FY 1999-2000 costs, \$13,744,000 in FY 2000-2001 costs over the next six years, no annual cost, and will require the addition of no staff years.

BUSINESS IMPACT STATEMENT:

If approved, these recommendations will have a positive impact on the business community. Most of the recommended projects include construction phases which will be implemented by private construction firms selected through a competitive bid process. In addition, the expansion of the commercial facade program will benefit the Spring Valley and Lakeside business districts.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Approve for submittal to the U.S. Department of Housing and Urban Development the attached County Consortium 2000-2001 Annual Funding Plan and 2000-2005 Consolidated Plan for the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs.
2. Adopt the Resolution certifying compliance with the Housing and Community Development Act of 1974, as amended, and transmitting the 2000-2001 Annual Funding Plan and 2000-2005 Consolidated Plan to the U.S. Department of Housing and Urban Development.

3. Authorize the Chairwoman of the Board of Supervisors to sign the 2000-2001 Annual Funding Plan for the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs and other relevant documents on behalf of the San Diego Urban County and HOME Investment Partnerships Consortium.
4. Approve and authorize the Chairwoman of the Board of Supervisors to execute 2000-2001 Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Agreements between the County of San Diego and U.S. Department of Housing and Urban Development, when received.
5. Approve and authorize the reallocation of \$41,000 in Community Development Block Grant funds to the Ramona Eighth Street Sidewalks Design Project from the: Lakeside Trash Cleanup - \$1,436; Rancho Del Campo Fire Hydrants - \$7,244; Jacumba Water Supply Line Design - \$5,051; Farmworker Housing Fee Waiver Program - \$20,000; and Community Development Block Grant Contingency Reserve - \$7,269.
6. Approve and authorize the reallocation of \$75,000 in Community Development Block Grant funds from the Residential Rehabilitation Program to the Commercial Facade Program.
7. Approve and authorize the reallocation of \$189,839 in 1998-1999 City of Encinitas HOME Investment Partnerships funds from the City's HOME Residential Rehabilitation Program, and the allocation of \$203,647 in 1999-2000 City of Encinitas HOME Investment Partnerships funds, to new construction of the Encinitas Ranch Apartments in the City of Encinitas.
8. Authorize the Director, Department of Housing and Community Development, to execute all necessary documents for submittal and/or regulatory processing and implementation of the San Diego County 2000-2001 Annual Funding Plan, and 2000-2005 Consolidated Plan, for the Community Development Block Grant, HOME Investment Partnerships, Emergency Shelter Grant, and Housing Opportunities for Persons with AIDS Programs, and reallocation projects described in Recommendations Nos. 5, 6 and 7.
9. Authorize the publication of any required "Notices to the Public of Request for the Release of Funds" for the recommended projects and reallocation projects described in Recommendations Nos. 5, 6 and 7; authorize the Chairwoman of the Board of Supervisors to execute Requests for Release of Funds and Certification; and direct staff to transmit these requests to the U.S. Department of Housing and Urban Development upon completion of any mandatory waiting periods.
10. Authorize the Director, Department of Housing and Community Development, to negotiate and award contracts, or contract amendments, to recipients of the recommended projects and reallocation projects described in Recommendations Nos. 5, 6 and 7 following the completion of environmental processing and U.S. Department of Housing and Urban Development release of funds, if applicable.

11. Authorize the Director, Department of Housing and Community Development, to execute all funding agreements for the recommended projects and reallocation projects described in Recommendations Nos. 5, 6 and 7, and to make any necessary programmatic or budgetary amendments to the agreements after consultation with County Counsel.

ACTION:

ON MOTION of Supervisor Horn, seconded by Supervisor Cox the Board of Supervisors took action as recommended, adopting Resolution No. 00-136, entitled: UNTITLED (certifying compliance with the Housing and Community Act of 1974).

AYES: Cox, Jacob, Slater, Roberts, Horn

6. **SUBJECT: Agreement Imposing Very Low-Income Restrictions On Board Policy I-79 Density Bonus Development for Elderly Households**
(Supv. Dist: 2)

OVERVIEW:

This action requests authorization for the Director of the Department of Housing and Community Development to enter into an "Agreement Imposing Restriction on Real Property" between the County and Windmill Construction Company, the developer of a 27 unit elderly rental housing project in Lakeside. In return for the developer receiving a density bonus under Board Policy I-79, occupancy and rent restrictions for very low-income elderly households have been incorporated into the Major Use Permit #P99-017 approved by the Planning and Environmental Review Board on April 6, 2000. Those restrictions require the developer to reserve 12 units for very low-income elderly households at affordable rental rates for a period of 30 years. The proposed agreement would be recorded against the property, binding the developer and any subsequent owners to the occupancy and rent restrictions.

FISCAL IMPACT:

Funds for this request were not budgeted. The funding source is from the project developer. If approved, this request will result in \$796 current year costs, \$467 in annual costs, and will require the addition of no staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Authorize the Director of the Department of Housing and Community Development to enter into an "Agreement Imposing Restriction on Real Property" between the County and Windmill Construction Company, pursuant to the Board Policy I-79 occupancy and rental rate restrictions incorporated in Major Use Permit #99-017.
2. Direct the Director of Housing and Community Development to record the executed "Agreement Imposing Restriction on Real Property" with the County of San Diego's Records Office.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

7. **SUBJECT: Presentation of Countywide Credit Needs Assessment By City-County Reinvestment Task Force**
(Supv. Dist: All)

OVERVIEW:

The City-County Reinvestment Task Force (RTF) has completed a regional credit and equity needs assessment. The purpose of this assessment was to evaluate issues associated with private/public capital and credit availability in the region's low and moderate-income communities, particularly in light of closures and mergers of lending institutions in the County.

Three sub-regional assessments were conducted by the Reinvestment Task Force in recent years, documenting an insufficiency of key banking services in certain geographic areas. According to the Reinvestment Task Force, these findings suggested the need for a study of broader breadth and depth as a basis for a joint public/private-community reinvestment strategic plan. The Countywide Credit Needs Assessment is meant to serve that purpose.

The Reinvestment Task Force views this research and its conclusions as a basis for a future Reinvestment Master Plan for the City and the County of San Diego. The master plan would be used by the Reinvestment Task Force as a tool for negotiations with local financial institutions, as an enhancement of public participation and lending/equity products, and as a base for measuring future progress of the reinvestment infrastructure in San Diego.

FISCAL IMPACT:

If approved, the recommendations will result in no current year costs, no annual costs and require the addition of no staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Accept the Credit Needs Assessment Study.
2. Direct the Chief Administrative Officer to work with the Reinvestment Task Force in developing a Reinvestment Master Plan work program.
3. Direct the Chief Administrative Officer to report back to the Board annually on progress in addressing the needs identified in the Credit Needs Assessment Study.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

8. **SUBJECT: Adult Literacy Services Alliance With READ/San Diego**
(Supv. Dist: All)

OVERVIEW:

San Diego County Library has operated an adult literacy services program since the Board of Supervisors approved the original grant proposal on January 29, 1985 (36). Today's action will approve formation of an alliance between the San Diego County Library and the City of San Diego Public Library, READ/San Diego, with READ/San Diego to provide services and operate the San Diego County Library Adult Literacy Services Program.

FISCAL IMPACT:

If approved, the Agreement will result in costs of \$666,107 to operate the program, offset by \$200,000 in literacy grant funds, and will require no additional staff years. The grants, estimated at \$200,000, will be passed through to READ/San Diego when the grants are approved and funding received by the County. This proposal is included in the County Library 2000-01 through 2001-02 proposed operational plan.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Approve the alliance with READ/SD and authorize the Deputy Director, Purchasing and Contracting Division of General Services to sign the Agreement to form a contract alliance between San Diego County Library and the City of San Diego Public Library, READ/San Diego, for READ/San Diego to provide services and operate the County Adult Literacy Program, including grant funded components, and to amend the contract as required to reflect changes in service requirements and grant funding allocations, subject to approval of the County Library Director.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

9. **SUBJECT: Homeless Programs: Coordinated Response to the U.S Department of Housing and Urban Development (Hud) Notice of Funding Availability**
(Supv. Dist: All)

OVERVIEW:

This action will authorize the Department of Housing and Community Development to submit an application (in partnership with cities and non-profit agencies) to the U.S. Department of Housing and Urban Development (HUD) to fund homeless services in San Diego County. This assistance, awarded annually on a competitive basis, fills gaps in the "continuum of care" system for the homeless.

FISCAL IMPACT:

The funding source is the U.S. Department of Housing and Urban Development. If approved, this request could result in as much as \$4 million in revenue over the next three years, or about a third of that on an annual basis, and will require the addition of no staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Authorize the Director of Housing and Community Development to submit, on behalf of a county consortium of agencies, a Supportive Housing Program application to the U.S. Department of Housing and Urban Development to fund homeless services.
2. Authorize the Director of Housing and Community Development to execute any agreements or documents necessary to implement proposals that may be funded.
3. Authorize the publication of any required "Notices to the Public of Request for Release of Funds" for funded proposals; authorize the Chairman of the Board of Supervisors to execute such Requests and Certifications following environmental processing.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

10. **SUBJECT: Declaration of Election Results -- March 7, 2000 Election**
(Supv. Dist: All)

OVERVIEW:

State law (Elections Code Sec. 15400) requires that the Board of Supervisors declare the election results for those offices and measures under its jurisdiction.

Additionally, State law (Elections Code Secs. 7228, 7423 and 7772) requires that the Board of Supervisors declare elected the candidates who have been nominated to County Central Committees/County Councils when the number of nominees for a position did not exceed the number of candidates to be elected and, therefore, in accordance with the law, the names were not printed on the ballot.

FISCAL IMPACT:

If approved, this request will result in no additional County cost and the addition of no staff years.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Adopt the resolution declaring the results of the March 7, 2000 Primary Election relating to the offices of the Board of Supervisors -- Districts 1, 2 and 3.
2. Adopt the resolution declaring the election of specified Democratic and Republican County Central Committee members and the Reform and Green Parties' County Council members.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 00-137, entitled: DECLARATION OF RESULTS OF THE MARCH 7, 2000 PRIMARY ELECTION RELATING TO COUNTY OF SAN DIEGO OFFICES AND MEASURES, and Resolution No. 00-138, entitled: DECLARATION OF ELECTION TO SAN DIEGO COUNTY CENTRAL COMMITTEES/COUNTY COUNCILS RELATING TO THE MARCH 7, 2000 PRIMARY ELECTION.

AYES: Cox, Jacob, Slater, Roberts, Horn

11. **SUBJECT: Commemorating the 49th Annual National Day of Prayer, May 4, 2000**
(Supv. Dist: All)

OVERVIEW:

The National Day of Prayer (NDP) is an annual event established by an act of Congress, which encourages Americans to pray for our nation, its people and its leaders. The NDP Task Force focuses on the need to pray for those in leadership on all levels of governmental, religious and educational areas of influence.

The NDP, as established by our government, belongs to all Americans. Every American is encouraged to observe the day of prayer in his or her own fashion. People of all faiths participate according to their own tradition. This official day is a special time that is set aside for people to seek God's guidance and blessing on our nation.

RECOMMENDATION:

SUPERVISOR HORN:

Recommend that the Board of Supervisors adopt a resolution of support for the observance of the NDP the first Thursday of May each year as recognized by Congress, beginning on Thursday May 4, 2000.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 00-139, entitled:
**RESOLUTION OF THE SAN DIEGO COUNTY BOARD OF SUPERVISORS
SUPPORTING OBSERVANCE OF THE NATIONAL DAY OF PRAYER.**

AYES: Cox, Jacob, Slater, Roberts, Horn

12. **SUBJECT: Resolution Requesting the State Board of Equalization to Permit the San Diego County Assessor to Examine State Board of Equalization Records**
(Supv. Dist: All)

OVERVIEW:

Revenue and Taxation Code § 833 (c) requires the State Board of Equalization (SBE) to permit the county assessor or auditor to examine any and all records of the SBE when authorized by resolution of a county board of supervisors. In order to examine SBE records, assessors and/or auditors in 15-20 counties are asking their boards of supervisors to adopt resolutions permitting them to examine SBE records. In addition, this letter requests approval of the transfer of AB719 related appropriations between object accounts to permit the acquisition of equipment for the Treasurer/Tax Collector and Auditor & Controller.

FISCAL IMPACT:

The Resolution carries no fiscal impact. The transfer of appropriations involves funding from the State under AB719, State-County Property Tax Administration program and will permit the acquisition of equipment to help the operation of other property tax departments.

RECOMMENDATION:

ASSESSOR/RECORDER/COUNTY CLERK AND CHIEF ADMINISTRATIVE OFFICER:

1. Approve the Resolution requesting the State Board of Equalization (SBE) to permit the Assessor of the County of San Diego to examine SBE records.
2. Approve the transfer of \$120,000 in appropriations from the Assessor/Recorder/County Clerk's Services & Supplies account (2000) to the Fixed Assets account (4100).

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent, adopting Resolution No. 00-140, entitled: A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO REQUESTING THAT THE STATE BOARD OF EQUALIZATION PERMIT THE SAN DIEGO COUNTY ASSESSOR TO EXAMINE STATE BOARD OF EQUALIZATION RECORDS.

AYES: Cox, Jacob, Slater, Roberts, Horn

13. **SUBJECT: Additional Child Care Funding for Fiscal Year 1999-2000**
(Supv. Dist: All)

OVERVIEW:

The Health and Human Services Agency has \$48.3 million in the FY 1999-2001 Operational Plan to maintain the subsidized child care system in San Diego County. The system includes CalWORKs Stages 1, 2 and 3, as well as general subsidized child care through the Child Care and Development Fund and the Child Development Program.

Today's item requests Board of Supervisors' approval to accept \$11,048,957 in child care funding, including \$4,525,186 of unanticipated CalWORKs Stage 1 revenue and \$6,523,771 of Stage 2 and Stage 3 contract revenue funding. This request appropriates all of the Stage 1 revenues and \$4,247,629 of the \$6.5 million in contract Stage 2 and 3 revenue because the balance, or \$2,276,142, is already appropriated.

FISCAL IMPACT:

Funding for this request is partially in the Operational Plan. \$2,276,142 is included in the Health and Human Services Agency Fiscal Year 1999-01 Operational Plan. If approved, this request will increase current year costs and revenue by \$8,772,815 with no addition of staff years required. The funding sources are the State CalWORKs single allocation, the California Department of Education and \$105,332 in County General Funds. There is no change to net General Fund costs.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

1. Waive Board Policy B-29: Fees, Grants, and Revenue Contracts-Department Responsibility for Cost Recovery.
2. Establish appropriations of \$8,772,815 in the Health and Human Services Agency for CalWORKs Child Care Stage 1 (\$4,525,186) and for Child Care Stage 2 (\$4,247,629) based on unanticipated Child Care revenues. (4 VOTES)
3. Ratify and authorize the Director, Health and Human Services Agency, or his designee to execute amendment 01 of the agreement with the California Department of Education in the

amount of \$858,610 for CalWORKs Stage 2 revenue for the period July 1, 1999 through June 30, 2000. (State Contract #F216-9048).

4. Ratify and authorize the Director, Health and Human Services Agency, or his designee to execute amendment 02 of the agreement with the California Department of Education in the amount of \$4,656,258 for the CalWORKs Stage 2 for the period July 1, 1999 through June 30, 2000. (State Contract # F2AP-9248).
5. Ratify and authorize the Director, Health and Human Services Agency, or his designee to execute amendment 01 of the agreement with the California Department of Education in the amount of \$664,061 for the Child Care Stage 3 for period July 1, 1999 through June 30, 2000. (State Contract # F3AP-9058).
6. Ratify and authorize the Director, Health and Human Services Agency, or his designee to execute an agreement with the California Department of Education in the amount of \$344,842 for the Child Care Stage 3 timing out for period July 1, 1999 through June 30, 2000. (State Contract # G3TO-9030).

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

14. **SUBJECT: Implementation of Early and Periodic Screening, Diagnosis and Treatment Services at the A. B. and Jessie Polinsky Children's Center**
(Supv. Dist: All)

OVERVIEW:

The Health and Human Services Agency is working to establish a comprehensive system of care for children in San Diego County. Consistent with those efforts, Board action on November 9, 1999 (1) approved the expansion of children's services through the use of Early and Periodic Screening, Diagnosis and Treatment (EPSDT) funding. These federal and State funds will cover the cost of EPSDT services to Medi-Cal eligible children.

Children entering the Polinsky Children's Center are often so traumatized that they lack the very basic life skills to interact in a normal environment. The proposed EPSDT program at the Polinsky Children's Center will enable the Health and Human Services Agency to hire permanent, qualified staff who will provide a more comprehensive continuum of care for these children. The EPSDT program will provide mental health services while offering life skills training to high-risk children. The program will include Day Rehabilitation, Crisis Intervention, and Therapeutic Behavioral services that will better prepare children as they move to their next placement or return home. These services are in keeping with the Polinsky Children's Center Business Plan approved by the Board on November 9, 1999 (2) and meet the objectives of stabilizing children for improved assessment, case management, and ultimate placement.

Board action is requested to increase current year appropriations by \$180,653 and a net amount of approximately \$2.4 million annually in EPSDT funding and add 54 staff positions to meet Medi-Cal requirements for EPSDT services at the Polinsky Children's Center. The addition of these permanent positions will allow the Health and Human Services Agency to maintain appropriate staffing levels at the Polinsky Children's Center and minimize the use of temporary contract staff.

FISCAL IMPACT:

Funds for this request are not included in the Agency's FY 1999-01 Operational Plan. If approved, this request will result in current year cost and revenue of \$180,653, and annual cost and revenue of \$2,433,692. The funding source is State and federal Medi-Cal Early and Periodic Screening, Diagnosis and Treatment funds. There is no change to net General Fund cost. This request, if approved, will result in the addition of 54 positions and 54 staff years annualized.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Waive Board Policy A-91, Mid-Year Budget Changes.
2. Establish appropriations of \$180,653 in the Health and Human Services Agency for expanded care at the Polinsky Children's Center, based on State General Fund Early and Periodic Screening, Diagnosis and Treatment funds and Medi-Cal Federal Financial Participation revenue. (4 VOTES)
3. Authorize the addition of 54 positions (nine staff years in FY 1999-00, 54 staff years annualized), and direct the Department of Human Resources to classify the above positions and prepare the appropriate amendment to the Compensation Ordinance.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

15. **SUBJECT: Children and Families Commission Staffing and Budget Adjustments**
(Supv. Dist: All)

OVERVIEW:

On December 8, 1998 (71), the Board passed an ordinance instituting a five-member San Diego County Children and Families Commission. This Commission is required to ensure San Diego County's eligibility to receive tobacco tax revenue established by the passage of Proposition 10 on November 3, 1998. On March 23, 1999 (6), the Board approved the funding for and authorized three new positions to provide core staff to support the Children and Families Commission and develop the Commission's Strategic Plan.

On February 7, 2000, the Commission adopted its Strategic Plan, which describes how Proposition 10 funds will be used to support development programs countywide for children ages zero to five and their families. This item would appropriate funds and authorize up to eight new permanent positions and authorize appropriations for two temporary help positions to provide the required administrative support for the Commission.

FISCAL IMPACT:

Funding for this item is not included in the Health and Human Services Agency's FY 1999-2001 Operational Plan. Funds from the County's Children and Families Commission Trust Fund will fully offset the cost of the request. If approved, this action will result in increased current year costs and revenue of \$60,296 and subsequent year costs and revenue of \$461,444. This item will add eight permanent positions and two temporary help positions.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

1. Waive Board Policy A-91, Mid-Year Budget Changes.
2. Establish appropriations of \$60,296 in the Health and Human Services Agency based on revenue from the Children and Families Trust from the Proposition 10 Tobacco Tax. (4 VOTES)
3. Approve the addition of up to eight permanent positions in the Health and Human Services Agency, Prop 10 Administration, and direct the Department of Human Resources to classify the requested positions at the appropriate level and amend the Compensation Ordinance accordingly.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

16. **SUBJECT: Out-Of-Country Business: Tuberculosis Control**
(Supv. Dist: All)

OVERVIEW:

Each year, San Diego County's Tuberculosis Control Program sends key staff to the Annual Conference of the American Thoracic Society. Since this event provides the most comprehensive review of current science and practice in tuberculosis control available, the U.S. Centers for Disease Control provides full funding for County staff to attend. This year, the event is to be held jointly with the Canadian Thoracic Society from May 5-9, 2000 in Toronto, Canada. Board authority is requested for the Chief, Tuberculosis Control and the Public Health Nurse Tuberculosis Control Educator/Consultant to attend the Annual Conference of the American Thoracic Society in Toronto, Canada from May 5-9, 2000.

FISCAL IMPACT:

Funds for this request are included in the FY 1999-2000 Operational Plan. The funding source is the subvention funds from the Centers for Disease Control. If approved, no increase to net General Fund costs, and will require no additional staff year.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

Authorize out-of-country business to Toronto, Canada for Dr. Kathleen Moser and Evelyn Lancaster to participate in the American Thoracic Society Annual Conference scheduled for May 5-9, 2000.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

17. **SUBJECT: Restricting Possession of Clonazepam In San Diego County**
(Supv. Dist: All)

OVERVIEW:

Clonazepam (klO-naz-u-pam) is a prescription drug used to treat both anxiety and epilepsy. Unfortunately, this drug is also being used by rapists to incapacitate victims. Existing law makes it a misdemeanor or felony to possess for sale, or sell, the controlled substance clonazepam. However, mere possession of clonazepam without a prescription is legal. The proposed recommendations would make it illegal in the unincorporated area of San Diego County to possess clonazepam without a valid prescription. The recommended actions would also encourage other cities within the County to adopt similar legislation.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

RECOMMENDATION:**SUPERVISOR ROBERTS AND SLATER:**

1. Direct County Counsel to draft and return to the Board in 14 days with an ordinance prohibiting possession of the drug clonazepam without a valid prescription in the County of San Diego.
2. Direct the Chief Administrative Officer to draft a letter for the Chairwoman's signature to be sent to any cities within San Diego County that do not have an ordinance prohibiting possession of clonazepam, urging them to adopt such a measure.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

18. **SUBJECT: Sheriff's Department Acceptance of "Every 15 Minutes" Grant from State Department of Alcoholic Beverage Control**
(Supv. Dist: 2)

OVERVIEW:

On 11/9/99 (10) and 2/8/00 (2), the Board authorized acceptance of grants from San Diego State University Foundation and the State Department of Alcoholic Beverage Control for the "Every 15 Minutes" alcohol awareness programs conducted at San Marcos High School and Santana High School.

This is a request to ratify the submission and authorize acceptance of a \$4,000 grant from the State Department of Alcoholic Beverage Control for the "Every 15 Minutes" alcohol awareness program at West Hills High School in Santee.

FISCAL IMPACT:

Funds for this request are not budgeted. The funding source is the State Department of Alcoholic Beverage Control. If approved, this request will result in \$4,000 additional current year costs and revenue, no annual cost, and will require the addition of no staff years.

RECOMMENDATION:

SHERIFF:

1. Waive Board Policy A-91, Mid-Year Budget Changes.
2. Waive Board Policy B-29, which requires full cost recovery for grants and that Board approval be given in advance of application of funds.
3. Ratify the Sheriff's Department's submission and authorize the acceptance of the \$4,000 State Department of Alcoholic Beverage Control grant for the "Every 15 Minutes" Program for the period 10/01/99 through 06/30/00.
4. Authorize the Sheriff to review and execute on the Board's behalf any extensions, amendments, or revisions to the \$4,000 "Every 15 Minutes" grant from the State Department of Alcoholic Beverage Control that do not materially impact or alter either the grant program or funding level.
5. Establish appropriations of \$4,000 within the Sheriff's Department for the "Every 15 Minutes" alcohol awareness program at West Hills High School, based on unanticipated revenue from the State Department of Alcoholic Beverage Control. (4 VOTES)

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Concur.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

19. **SUBJECT: Sheriff's Department Sole Source Procurement of Replacement Helicopter and Related Equipment and Auction of Aircraft By Aviation Auctioneer**
(Supv. Dist: All)

OVERVIEW:

On April 11, 2000, the Board of Supervisors approved the auction of aircraft by an aviation auctioneer, Starman Bros. Auctions, Inc., with the proceeds to be deposited as Sheriff's Department revenue pending the establishment of a Sheriff's designated reserve account within the General Fund. Since that time, the Sheriff has determined that instead of the auction proceeds being earmarked for future aircraft purchases in the designated reserve account, they should be used, along with overrealized Proposition 172 revenue, to purchase a helicopter and related equipment this fiscal year. Since Aerial Support to Regional Enforcement Agencies (ASTREA) has designed its entire program on the operation of MD 500 helicopters and all aircraft in its current fleet are of the same basic airframe, sole source purchase of a Model 500E helicopter from MD Helicopters, Inc. is requested along with related equipment and installation from Cinema Air Avionics. The 500E will replace an old 500D with 14,785 flight hours. The Sheriff also requests the 500D, along with two helicopter hulls, be auctioned at the same time Starman auctions the aircraft identified in the April 11 Board letter.

FISCAL IMPACT:

Funds for this request are not budgeted. The funding source is auction proceeds from the sale of old aircraft (\$668,000, of which \$18,000 for insurance will be appropriated in Department of Human Resources budget via Change Letter) and overrealized Proposition 172 revenue (\$550,000). If approved, this request will result in estimated current year costs of \$1,200,000 and will not require the addition of any staff years. Sufficient funds are included in the budget to cover maintenance costs for the new helicopter.

RECOMMENDATION:

SHERIFF:

1. Waive the advertising requirement of Board Policy A-87.
2. Waive Board Policy A-91, Mid-Year Budget Changes.
3. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Purchasing and Contracting Deputy Director to enter into negotiations with MD Helicopters,

Inc.; and subject to successful negotiations and determination of a fair and reasonable price, award a contract for the purchase of a new Model MD 500E helicopter with selected options.

4. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Purchasing and Contracting Deputy Director to enter into negotiations with Cinema Air Avionics; and subject to successful negotiations and determination of a fair and reasonable price, award a contract for the purchase and installation of avionics equipment for the helicopter referenced in 3 above.
5. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Purchasing and Contracting Deputy Director to enter into negotiations with Starman Bros. Auctions, Inc.; and subject to successful negotiations and determination of a fair and reasonable price, award a contract for services associated with the auction of one MD 500D model helicopter and two helicopter hulls.
6. Establish appropriations of \$1,200,000 in the Sheriff's Department for funding the purchase of a new helicopter and related avionics equipment, based on unanticipated revenue from the auction of the aircraft identified in the April 11, 2000, Board letter and an additional MD 500D and two helicopter hulls (\$650,000) and overrealized Proposition 172 revenue (\$550,000). (4 VOTES)

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Concur.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

20. **SUBJECT: Sheriff's Department Procurement of Forward Looking Infrared (FLIR) Unit**
(Supv. Dist: All)

OVERVIEW:

On September 28, 1999 (14), the Board of Supervisors approved the Sheriff's Department purchase of a Model 530F helicopter from MD Helicopters, Inc. The helicopter was delivered in March. A Forward Looking InfraRed (FLIR) unit is needed for the new helicopter. A FLIR is a piece of thermal-imaging equipment used to find hidden suspects, locate lost persons, and detect indoor marijuana "grows." It is also an excellent tactical tool that enhances officer safety. Approval is requested to purchase the unit from FLIR Systems, Inc. as it is the only company that manufactures and sells units that are compatible with existing units and helicopters.

FISCAL IMPACT:

Funds for this request are budgeted in the Sheriff's FY 1999/00 fixed asset budget. If approved, this request will result in estimated current year costs of \$180,000 and will not require the addition of any staff years. The annual maintenance cost will be covered by the increase to ASTREA's equipment maintenance account in the FY 2000-2001 Proposed Budget.

RECOMMENDATION:**SHERIFF:**

1. Waive the advertising requirement of Board Policy A-87.
2. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Purchasing and Contracting Deputy Director to enter into negotiations with FLIR Systems, Inc.; and subject to successful negotiations and determination of a fair and reasonable price, award a contract for the purchase and installation of a Forward Looking InfraRed (FLIR) unit for the new helicopter which was delivered in March 2000.

RECOMMENDATION:**CHIEF ADMINISTRATIVE OFFICER:**

Concur.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

21. **SUBJECT: Sheriff's Department Procurement of Crime Laboratory Equipment, Funds Transfer And Funds Appropriation**
(Supv. Dist: All)

OVERVIEW:

Approval is requested to procure one Forensic Ballistic Comparison Microscope System, one Fourier-Transform Infrared (FTIR) Microspectrometer System and one Forensic Vacuum Metal Deposition Chamber. This equipment is needed in order to modernize the Sheriff's Crime Laboratory and meet national standards. It will replace/supplement existing equipment.

Approval is also requested to transfer funds from the Crime Lab Minor Equipment account to the Crime Lab Fixed Assets account and to appropriate overrealized Proposition 172 revenue to augment current funding to allow for the procurement of this vitally needed equipment.

FISCAL IMPACT:

Funds for this request are partially budgeted. The funding source is Crime Lab existing appropriations (\$140,000) and State Aid Public Safety Proposition 172 overrealized revenue (\$127,000). Existing appropriations in the Crime Lab maintenance account are sufficient to cover the annual maintenance costs on this equipment (\$15,000). If approved, this request will result in current year cost of \$267,000, no annual cost and will not require additional staff years.

RECOMMENDATION:

SHERIFF:

1. Waive the advertising requirement of Board Policy A-87.
2. Waive the competitive procurement provisions of Board Policy A-87 and approve and authorize sole source acquisition by the Purchasing and Contracting Deputy Director of the following brand name equipment, and subject to successful negotiations and determination of fair and reasonable prices, award a contract for:
 - One Forensic Ballistic Comparison Microscope System manufactured by Leica;
 - One FTIR Microspectrometer System manufactured by Nicolet;
 - One Forensic Vacuum Metal Deposition Chamber manufactured by VMD.
3. Transfer appropriations of \$40,000 in the Sheriff's Department from Crime Laboratory Minor Equipment to Crime Laboratory Fixed Assets for the purchase of one Forensic Ballistic Comparison Microscope System and one FTIR Microspectrometer System.
4. Establish appropriations of \$127,000 in the Sheriff's Department Crime Laboratory Fixed Assets for the purchase of one Forensic Vacuum Metal Deposition Chamber, based on overrealized State Aid Public Safety Proposition 172 revenue. (4 Votes)

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Concur.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

22. **SUBJECT: Sheriff's Department Contract Extension of Management Consulting and Training Services**
(Supv. Dist: All)

OVERVIEW:

On September 16, 1997 (7) the Board of Supervisors approved the Sheriff's Department contract with the Tremblay Group for training and management consulting services to implement a Customer Service Quality Improvement Process (CSQIP). This process was designed to bring a new style of leadership, to develop a "high trust" culture in which people are considered to be the organization's most valuable asset and need to be retained and developed.

The original contract with the Tremblay Group was for a three-year period and for a cost not to exceed \$180,000. This contract amount has been exhausted, and there are still elements of CSQIP that have not been completed.

The Sheriff's Department requests the extension of the existing contract and to increase the price for additional services with the Tremblay Group in order to facilitate further implementation of CSQIP.

FISCAL IMPACT:

The total cost of the contract extension will be approximately \$126,000. The contract will be structured in four phases. Phase one will be for the remainder of fiscal year 1999/2000, funds are budgeted and the cost will be approximately \$34,300. The second phase will be for fiscal year 2000/2001. Funding is in the proposed budget and the cost will be approximately \$48,000. The third phase is optional and would be for fiscal year 2001/2002 and will cost approximately \$28,600. The fourth phase is for fiscal year 2002/2003 and will cost approximately \$15,000. The need for appropriations for phase three and four will be reviewed and established if necessary. This contract extension will require no additional staff years.

RECOMMENDATION:

SHERIFF:

1. Waive the advertising requirement of Board Policy A-87.
2. In accordance with Board Policy A-87, Competitive Procurement, approve and authorize the Purchasing and Contracting Deputy Director to enter into negotiations with the Tremblay Group and subject to successful negotiations and determination of a fair and reasonable price, award a contract extension for management consulting and training services. Waive the advertising requirement of Board Policy A-87.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Concur

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

23. **SUBJECT: Sheriff's Department Designation Account Creation**
(Supv. Dist: All)

OVERVIEW:

The Sheriff is requesting the creation of a fund balance designation that will provide a mechanism to begin funding long-term needs for fixed assets, replacement equipment and other capital expenditures. The designation will be used for various future capital expenditures to be

made by the Sheriff's Department. Funds to be initially deposited to this account include \$3 million to be used for the future replacement of the Las Colinas Women's Detention Facility. Future funding placed into the designation will be used for major items such as replacement helicopters for Aerial Support to Regional Enforcement Agencies (ASTREA), Central Food Production Center equipment and Sheriff's inmate Transportation Division buses.

FISCAL IMPACT:

Funds for this request are currently budgeted in the Sheriff's Management Reserves or held in over-realized revenue. The sources for Las Colinas Detention Facility construction funding to be placed in the designation are \$2,000,000 budgeted in the Sheriff's Management Reserves (Organization 2431, Account 6401) and \$1,000,000 in SCAAP over-realized revenue (Organization 2492, Account 9932). If approved, this request will result in the establishment of a Sheriff's Designation in the General Fund (Account 0778) and in the earmarking of a \$3,000,000 designation to be used toward the eventual replacement of the Las Colinas Detention Facility. This request results in no additional current year costs, no additional annual costs and will require no additional staff years.

RECOMMENDATION:

SHERIFF AND CHIEF ADMINISTRATIVE OFFICER:

Authorize the Chief Financial Officer to establish a fund balance designation of \$3,000,000 in the General Fund for the Sheriff's Designation based on \$2,000,000 in Sheriff's Management Reserves and \$1,000,000 in over-realized State Criminal Alien Assistance Program revenues for future Department capital expenditures. (4 VOTES)

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

24. **SUBJECT: Sheriff's Department Request for Approval of Out of Country Travel**
(Supv. Dist: All)

OVERVIEW:

Per Board of Supervisors Policy D-7, this is a request for one Lieutenant and one Deputy Sheriff to travel to Montreal, Canada, to participate in the 45th Annual International Law Enforcement Intelligence Unit Training Seminar to be held May 22-26, 2000 and for one Deputy Sheriff to travel to Melbourne, Australia, to participate in the 28th International Training Conference of the International Association of Bomb Technicians & Investigators to be held June 11-16, 2000.

FISCAL IMPACT:

Funds for this request are budgeted. The funding source is the Sheriff's FY 1999/2000 budget. If approved, this request will result in approximately \$4,200 current year costs. Positions will not be backfilled by overtime.

RECOMMENDATION:

SHERIFF:

1. Approve travel to Montreal, Canada, for one Lieutenant and one Deputy Sheriff to participate in the 45th Annual International Law Enforcement Intelligence Unit Training Seminar to be held May 22-26, 2000.
2. Approve travel to Melbourne, Australia, for one Deputy Sheriff to participate in the 28th International Training Conference and Exhibition of the International Association of Bomb Technicians & Investigators to be held June 11-16, 2000.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Concur.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

25. **SUBJECT: Sheriff Department's Request for Proposal for Ambulance Services for Otay Mesa Detention Facilities**
(Supv. Dist: 1)

OVERVIEW:

The Sheriff's Department requests authority to issue a Request For Proposal (RFP) to provide paramedic/ambulance services to the Otay Mesa Detention Facilities. There are currently no ambulance services contracted for this unincorporated area. With the Board's approval, the Sheriff hopes to establish permanent ambulance services through the RFP process.

FISCAL IMPACT:

Funds are budgeted for this request and there are no additional staff years required. The funding source is Crime Lab existing appropriations (\$140,000) and State Aid Public Safety Proposition 172 overrealized revenue (\$127,000). The current annual cost for ambulance service to the Otay Mesa detention facilities is approximately \$36,000 per year. This cost should be reduced once negotiated contract rates are in place.

RECOMMENDATION:

SHERIFF:

Authorize the Purchasing and Contracting Deputy Director, in accordance with Article XXIIB, Section 398.17.1 (a) of the County Administrative Code, to issue a Request For Proposal (RFP), negotiate and award a contract for paramedic ambulance services for the Sheriff's Otay Mesa Detention Facilities. This contract will be for a three (3) year period with two one (1) year options.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER:
Concur.

ACTION:
ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

26. **SUBJECT: Probation Department's Program Outcome and Evaluation Reports**
(Supv. Dist: All)

OVERVIEW:
On June 29, 1999 (10) the Board of Supervisors directed the Chief Administrative Officer to return to the Board of Supervisors with program outcome and evaluation reports for the Probation Department's prevention, diversion, early intervention, intensive supervision and custody programs as they are released.

FISCAL IMPACT:
There is no fiscal impact associated with this action.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER:
Receive the report titled "Probation Department Juvenile Program Outcomes".

ACTION:
The Board received the report.

27. **SUBJECT: Communications Received**
(Supv. Dist: All)

OVERVIEW:
Board Policy A-72, Board of Supervisors Agenda and Related Process, authorizes the Clerk of the Board to prepare a Communications Received for Board of Supervisors' Official Records. Routine informational reports which need to be brought to the attention of the Board of Supervisors yet not requiring action are listed on this document. Communications Received documents are on file in the Office of the Clerk of the Board.

RECOMMENDATION:
CHIEF ADMINISTRATIVE OFFICER:
Note and file.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

28. **SUBJECT: Administrative Item:**
Ratify Proclamation of Local Emergency for Damaging Conditions
Caused by the Mexican Fruit Fly Infestation of October 1999
(Supv. Dist: 5)

OVERVIEW:

On December 7, 1999 (24) and March 14, 2000 (10), the Board ratified Proclamations of Local Emergency made by the Chief Administrative Officer on December 2, 1999. The emergency will be reviewed by the Board on March 28, April 11, May 2 and May 16, 2000.

FISCAL IMPACT:

The recommended action has no direct fiscal impact on County funds.

RECOMMENDATION:

CHIEF ADMINISTRATIVE OFFICER:

Chief Administrative Officer to report.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

29. **SUBJECT: Administrative Item:**
Appointments
(Supv. Dist: All)

OVERVIEW:

These appointments are in accordance to Board Policy A-77, Appointments to Fill Vacancies and Cancellation of Election where Insufficient Nomination Filed Prior to Uniform District Election and Citizen Planning Group Election and Procedures for Appointments to Resource Conservation District Boards, and I-1, Planning and Sponsor Group Policies and Procedures; and Board Action on September 28, 1999 (10), recommending five community members to be appointed by each of the five supervisors to the TRIAD/SALT Council.

RECOMMENDATION:

CHAIRWOMAN JACOB:

Appoint John Horton to fill a vacant Seat No. 4 and Mary Lou White to Seat No. 10 to the Julian Community Planning Group, for terms to expire December 31, 2002.

RECOMMENDATION:

SUPERVISOR COX:

Appoint Mary Kay Forsyth to the TRIAD Council as a representative for the First Supervisorial District, for a term as prescribed by law.

RECOMMENDATION:

SUPERVISOR SLATER:

Appoint George O'Neil to the TRIAD Council to fill a vacant seat for District Three, for a term as prescribed by law.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Cox, Jacob, Slater, Roberts, Horn

30. **SUBJECT: Closed Session**
(Supv. Dist: All)

- A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Anticipated litigation pursuant to section (c) of Government Code section 54956.9
No. of Potential Cases: 1
- B. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Pacific Indemnity Insurance Co. v. County/County v. CIGNA Property & Casualty Company; San Diego Superior Court No. GIC732418 [Ramona Landfill Insurance Coverage Litigation]
- C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
Newport Pacific, Inc., et al. v. County of San Diego, et al.; San Diego Superior Court No. GIC738231
- D. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
William B. Kolender v. San Diego County Civil Service Commission [Steven Napolitano, Real Party In Interest]
- E. CONFERENCE WITH LABOR NEGOTIATORS
Designated Representative: Carlos Arauz, Madge Blakey and Mike Kolb
Employee Organizations: Deputy Sheriffs Association and District Attorney Investigators

ACTION:

Any reportable matters will be reported prior to the Land Use meeting on May 3, 2000, 9:00 a.m.

31. **SUBJECT: Support for SB 1617 (Leslie)**
(Supv. Dist: All)

OVERVIEW:

The Internet has experienced extraordinary growth. About 200 million people use the Internet and that number is expected to continue growing. As of 1998, there were 219 separate library governance entities in California and 786 main and branch libraries that have computers available for public use. Of these, 46 offer Internet access.

Senate Bill 1617 would require that all public libraries, which provide Internet access purchase, install and maintain computer software for use on at least one library computer, prohibiting Internet access to obscene matter. The bill would also deny a minor access to Internet services, absent written permission from the minor's parent on a form that contains the following language:

A general warning that minors may encounter obscene, pornographic, or other harmful material on the Internet.

A declaration that library staff cannot be held responsible for Internet access choices of any of its patrons, including minors.

Admission that filtering software can be helpful in limiting the possibility that a child will encounter harmful material on the Internet, but that no filtering software can guarantee protection from all the dangers associated with Internet use.

Response choices that allow the parent to permit the minor to access the Internet without the use of filtering software and that authorize the minor to use the Internet only with filtered access.

FISCAL IMPACT:

None.

**RECOMMENDATION:
SUPERVISOR HORN**

1. Adopt an official Board position supporting SB 1617.
2. Direct the Chief Administrative Officer to have the County's Sacramento representative convey the Board's support for Senate Bill 1617 to all appropriate State legislative members and to the administration.

ACTION:

ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors continued the item to come back with the Chief Administrative Officer's report on library Internet filtering.

AYES: Cox, Jacob, Slater, Roberts, Horn

32. **SUBJECT: Support for AB 2188 (Baldwin), AB 1784 (Lempert) and AJR 41 (Pacheco).**
(Supv. Dist: All)

OVERVIEW:

In 1998, the U.S. Congress passed and President Clinton signed the Federal Internet Tax Freedom Act (ITFA) providing a three-year moratorium on taxes in Internet activity. In the same year, California passed the California Internet Tax Freedom Act. California's ITFA is similar to the Federal ITFA in that it imposes a three-year moratorium on specifically identified new or discriminatory taxes, including taxes on Internet access, online computer services, or "bit" bandwidth taxes.

The California ITFA does allow the collection of sales and use taxes, it allows cities and counties to continue to collect business license taxes and the state to collect telecommunication taxes.

Assembly Bill 2188 would exempt all purchases made over the Internet from State and local sales and use taxes. Assembly Bill 1784 would continue the California Internet Tax Freedom Act indefinitely. Assembly Joint Resolution 41 is a resolution to memorialize to the President and Congress to act to extend indefinitely the Federal Information Technology Act.

FISCAL IMPACT:

None.

**RECOMMENDATION:
SUPERVISOR HORN:**

1. Adopt an official Board position supporting AB 2188, AB 1784, and AJR 41.
2. Direct the Chief Administrative Officer to have the County's Sacramento legislative representative convey the Board's support for Assembly Bill 2188, Assembly Bill 1784, and Assembly Joint Resolution 41 to all appropriate State legislative members, and to the administration.

ACTION:

Supervisor Cox registering a NO vote on AB 2188, ON MOTION of Supervisor Roberts, seconded by Supervisor Horn the Board of Supervisors took action as recommended, on Consent.

AYES: Jacob, Slater, Roberts, Horn

NOES: Cox (on AB 2188)

33. **SUBJECT: Presentations/Proclamations**

Chairwoman Jacob introduced the pet of the week, Snoopy, a five-year old neutered Beagle.

Vice Chairman Roberts presented a Proclamation to Judge Jim Milliken, Judge Harvey Hiber, Judge Jeff Fraser, Judge Tim Tower, Chief Deputy District Attorney Kris Anton and Public Defender Steve Carroll honoring National Drug Court Month.

Supervisor Cox presented a Proclamation to Emerald Randolph and Dan Whitney honoring Domestic Violence Prevention Efforts.

Supervisor Horn presented a Proclamation to Bruce Binkowski, Outgoing Padre Announcer.

34. **SUBJECT: Public Communication**

Don Stillwell addressed the Board regarding fluoride to the water supply.

Ivy Westmoreland addressed the Board regarding issues in the Probation Department.

Ken Loch addressed the Board regarding fine arts.

Bonnie Anderson addressed the Board regarding issues in the Department of Social Services.

ACTION:

Heard; referred to the Chief Administrative Officer.

There being no further business, the Board adjourned at 4:52 p.m. in memory of Joe Dordahl, Willis Fletcher, Gary Adams, Captain Lawrence B. Cook, and Bernardo F. Uriarte.

THOMAS J. PASTUSZKA
Clerk of the Board of Supervisors
County of San Diego, State of California

Notes by:
Galang (Consent and Discussion)

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NOTE: This Statement of Proceedings sets forth all actions taken by the Board of Supervisors on the matters stated, but not necessarily the chronological sequence in which the matters were taken up.